

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 2834 of 1999

CORAM ; D.C.SRIVASTAVA, J.

DATE : APRIL 19, 1999

ORAL ORDER

Heard learned Counsel for the petitioner.

This petition can be disposed of finally at the admission stage without notice to the respondents.

The respondent moved an application for eviction of the petitioner under the provision of the Presidency Small Causes Courts Act, 1882. The Small Causes Court No.8 at Ahmedabad considering the application of the respondents and the defence of the petitioner granted decree for eviction and directed the petitioner to evict and hand over vacant possession of the Ordi on or before 31st March 1999. The judgment was rendered on 5th March 1999.

Section 37 of the Presidency Small Causes Court Act provides that..."save as otherwise provided by this Chapter or by any other enactment for the time being in force, every decree and order of small causes court in a suit shall be final and conclusive." There is no provision for revision or Appeal under the aforesaid Act. If the intention of the legislature has been to attach finality to the judgment and decree of the small Causes Court Act and it further thought it necessary in its wisdom to make it conclusive then on factual side there remains little scope for interference under Article 226 of the Constitution of India. The findings of fact

recorded by the Court of Small Causes in these circumstances cannot be disturbed in this petition.

Learned Counsel for the petitioner, however, requests for reasonable time to enable the petitioner to vacate and hand over vacant possession of the accommodation to the respondent. Keeping in view the difficulty expressed by the learned Counsel, time upto 31st August 1999 is granted to the petitioner to vacate and hand over vacant possession of the accommodation to the respondent.

sd/-

Date : April 19, 1999 (D. C. Srivastava, J.)

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